

Maine Revised Statutes
Title 22: HEALTH AND WELFARE
Chapter 1457: COORDINATED COMMUNITY
PROGRAMS FOR MAINE'S ELDERLY

§5118. AREA PLANS

1. Plans. In order to be approved by the state agency, an area plan shall be developed by the area agency designated with respect to such area under section 5116, subsection 1, paragraph B and shall:

A. Provide for the establishment of a coordinated community program for the delivery of social services within the area covered by the plan, including determining the need for social services in such area, taking into consideration, among other things, the number of older persons with low incomes residing in such area, the extent to which existing public or private programs meet such need, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need; [1973, c. 630, §1 (NEW).]

B. In accordance with criteria established by the director by regulation relating to priorities, provide for the initiation, expansion or improvement of social services in the area covered by the area plan; [1973, c. 630, §1 (NEW).]

C. Provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this paragraph, an information and referral source is a location where a public or private agency or organization:

- (1) Maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities; and
- (2) Employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists these persons to take advantage of these opportunities and services; [1981, c. 470, Pt. A, §113 (AMD).]

D. Provide that the area agency will:

- (1) Conduct periodic evaluations of activities carried out pursuant to the area plan;
- (2) Render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;
- (3) Where necessary and feasible, enter into arrangements, consistent with the area plan, under which funds under this Title may be used to provide legal services to older persons in the area carried out through federally assisted programs or other public or nonprofit agencies;
- (4) Take into account, in connection with matters of general policy arising in the development and administration of the area plan, the recommendations of older people in need of or served by social services provided under such plan;
- (5) Where possible, enter into arrangements with organizations providing children services so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and
- (6) Establish an advisory council, which may be the board of directors or a subcommittee thereof, of the area agency consisting of at least 65% older people representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder. [1981, c. 470, Pt. A, §114 (AMD).]

E. Provide for the use of such methods of administration as are necessary for the proper and efficient administration of the plan; [1981, c. 470, Pt. A, §115 (AMD).]

F. Provide that the area agency will make such reports, in such form and containing such information as the director may from time to time require, and comply with such requirements as the director may impose to assure the correctness of these reports; [1981, c. 470, Pt. A, §115 (AMD).]

G. Establish objectives consistent with the purposes of this Title, toward which activities under the plan will be directed, identify obstacles to the attainment of those objectives and indicate how it proposes to overcome those obstacles; [1981, c. 470, Pt. A, §115 (AMD).]

H. Provide that no social service will be directly provided by the state agency or an area agency, except where, in the judgment of the state agency, provision of that service by the state agency or an area agency is necessary to assure an adequate supply of that service; and [1981, c. 470, Pt. A, §115 (AMD).]

I. Provide that preference shall be given to persons aged 60 or over for any staff positions, full time or part-time, in area agencies for which these persons qualify. [1981, c. 470, Pt. A, §115 (AMD).]

J. [1981, c. 470, Pt. A, §116 (RP).]

K. [1981, c. 470, Pt. A, §116 (RP).]

L. [1981, c. 470, Pt. A, §116 (RP).]

M. [1981, c. 470, Pt. A, §116 (RP).]

[1981, c. 470, Pt. A, §§113-116 (AMD) .]

2. Approval of area plan. The director shall approve any area plan which he finds fulfills the requirements of subsection 1, paragraphs A to I.

[1981, c. 470, Pt. A, §117 (NEW) .]

3. Notice and opportunity for hearing. The director shall not make a final determination disapproving any area plan, or any modification thereof, or make a final determination that an area agency is ineligible under section 5116, without first affording the area agency reasonable notice and opportunity for a hearing.

[1981, c. 470, Pt. A, §117 (NEW) .]

4. Findings. Whenever the director, after reasonable notice and opportunity for hearing to the area agency, finds that:

A. The area agency is not eligible under section 5116; [1981, c. 470, Pt. A, §117 (NEW) .]

B. The area plan has been so changed that it no longer complies with subsection 1, paragraphs A to I; or [1981, c. 470, Pt. A, §117 (NEW) .]

C. In the administration of the plan, there is a failure to comply substantially with any provision of subsection 1, paragraphs A to I, the director shall notify the area agency that no further payments from its allotments under section 5115 and Section 306 of the federal Older Americans Act of 1965, 42 United States Code, Section 3026 will be made to the agency or, in the director's discretion, that further payments to the agency will be limited to projects under or portions of the area plan not affected by the failure, until the director is satisfied that there will no longer be any failure to comply. Until the director is so satisfied, further payments may not be made to the agency from its allotments under section 5115, or payments may be limited to projects under or portions of the area plan not affected by the failure. The director shall, in accordance with rules adopted by the director, disburse funds so withheld directly

to any public or nonprofit private organization or agency of the area, submitting an approved plan in accordance with section 5116. Any payment or payments must be matched in the proportions specified in section 5116. [2003, c. 510, Pt. B, §8 (AMD).]

[2003, c. 510, Pt. B, §8 (AMD) .]

5. Final action; dissatisfaction. An agency which is dissatisfied with a final action of the director under subsection 2, 3 or 4 may appeal to the commissioner by filing a petition with the commissioner within 60 days after final action. A copy of the petition shall be forthwith transmitted by the commissioner to the director. The director thereupon shall file with the commissioner the record of the proceedings on which he based his action. Upon the filing of the petition, the commissioner shall have jurisdiction to affirm the action of the director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the director may modify or set aside his order. The findings of the director as to the facts, if supported by substantial evidence, shall be conclusive, but the commissioner, for good cause shown, may remand the case to the director to take further evidence, and the director may thereupon make new or modified findings of fact and may modify his previous action, and shall file with the commissioner the record of the further proceedings. The new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the commissioner affirming or setting aside, in whole or in part, any action of the director shall be final.

[1981, c. 470, Pt. A, §117 (NEW) .]

SECTION HISTORY

1973, c. 630, §1 (NEW). 1981, c. 470, §§A113-117 (AMD). 2003, c. 510, §B8 (AMD).

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